

MINUTES

**MONTANA SENATE
57th LEGISLATURE - REGULAR SESSION
COMMITTEE ON STATE ADMINISTRATION**

Call to Order: By **CHAIRMAN DON HARGROVE**, on January 9, 2001 at 10:00 A.M., in Room 335 Capitol.

ROLL CALL

Members Present:

Sen. Don Hargrove, Chairman (R)
Sen. John C. Bohlinger, Vice Chairman (R)
Sen. Edward Butcher (R)
Sen. Pete Ekegren (R)
Sen. Jim Elliott (D)
Sen. Eve Franklin (D)
Sen. Ken Toole (D)

Members Excused: Sen. Fred Thomas (R)

Members Absent: None.

Staff Present: Lynette Brown, Committee Secretary
David Niss, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) SB 148, SB 75, SB 10, & Date(s) Posted: 1-5-01
Executive Action:

{Tape : 1; Side : A; Approx. Time Counter : 0}

HEARING ON SB 148

Sponsor: SEN. JON TESTER, SD 45, Big Sandy

Proponents: Mary Phippen, Montana Association of Clerks of District Court,
Greg VanHorsen, State Farm Insurance Company

Opponents: None

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Opening Statement by Sponsor:

SEN. JOHN TESTER, SB 45, Big Sandy said this bill allows governmental entities to acquire persons excessive public documents to record those people. This bill also allows information on marriage license applications to be released to the public without restriction. Line 24 on page one deals with allowing governmental entities to require a person accessing public documents to record their names. The second part of the bill, on page five, deals with marriage applications being released to the public.

Proponents' Testimony:

Mary Phippen, Clerks of District Court, said her association is in support of the intent of this bill. **Ms. Phippen** stated because of some concerns about this bill, her association had some amendments they would like to have implemented into this bill. **EXHIBIT(sts06a01)**

Greg VanHorsen, State Farm Insurance Co., said he supports this bill and would also like the bill amended. **Mr. VanHorsen** said Section one states a person's name shall be entered onto a roster when seeking to review public records. Often, that person has been instructed to inspect these public records by an employer. He thinks as a fairness issue, the bill should make an allowance for the name of the employer who was directing that action to be listed on the rostrum.

Opponents: None

Questions from Committee Members and Responses:

SEN. KEN TOOLE asked **SEN. TESTER** if his intent was for all public records such as land records too? **SEN. TESTER** said the information that is already available for public viewing will need to have the person's signature on the roster, but information that is not available to the public will remain unavailable to the public.

SEN. ED BUTCHER asked **SEN. TESTER** if this bill was intended for genealogical research purposes? **SEN. TESTER** responded this bill takes care of two things; the first section pertains to signing requirements and with the problems the constituent may have, and the bill also refers to marriage applications information for genealogical purposes. This bill also is of interest for medical records purposes.

SEN. TESTER closed SB 148.

{Tape : 1; Side : A; Approx. Time Counter : 14}

HEARING ON SB 75

Sponsor: SEN. GREG JERGESON, SD 46, Chinook

Proponents: Bud Clinch, Director of Natural Resources

Opponents: None

Opening Statement by Sponsor:

SEN. GREG JERGESON, SD 46, stated the intent of this bill was to clarify the date of delivery as the postmark date when mailing a remittance. This bill resulted because of confusion on this issue which had created problems for one of the land lessees of the Department of Natural Resources. The second section of this bill is intended for people living overseas. The bill states that mailed remittance that would not receive a postmark from the US Postal service, would need to be received by the due date.

Proponents' Testimony:

Bud Clinch, Director of Natural Resources, stated that one element his department enters into is the timely payment of the rental money associated with activities. His department has, in the past, applied the postmark rule to such payments. They had a problem associated with this issue two years ago. A rural person placed the remittance in the mailbox along with money for the stamp. The remittance was not picked up on that day and by the time the lessee discovered this, he took the remittance into town and mailed it instead of taking it to the office. Therefore, the remittance arrived at the office too late. The department then cancelled his lease, but he appealed to the Montana Supreme Court and they subsequently ruled in his favor. The Department of Natural Resources brought forth this clarifying legislation to place into statute a specific determination for the department about the determination of date of delivery. **Mr. Clinch** urged passage of this bill.

{Tape : 1; Side : A; Approx. Time Counter : 24}

Closing by Sponsor: SEN. GREG JERGESON closed SB 75.

HEARING ON SB 10

Sponsor: SEN. EMILY STONINGTON, SD 15, Bozeman

Proponents: None

Opponents: None

Opening Statement by Sponsor:

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SEN. EMILY STONINGTON, SD 15, stated two years ago, the legislature passed SB11 which re-organized the entire interim committee process. This bill takes the evaluations from the interim process and changes some things, beginning on page six. This bill clarifies what adoption means and establishes effective dates. Page eight states an interim committee can appoint a sub-committee without asking permission from the legislative council. Page ten allows the interim committees to lobby the legislative council to change what studies they are assigned. If a committee gets an assignment of a study problem that doesn't relate to that committee, the committee goes to the legislative council and asks for that study problem to be transferred to another committee which they deem more appropriate.

Informational Testimony: Dave Boyer, Legislative Services, explained the differences between "requestor" and "requested of".

SEN. DON HARGROVE asked SEN. STONINGTON if there was any intent to provide a relationship between the interim committee and standing committee? SEN. STONINGTON replied that there does need to be a relationship between the standing committee and interim committee.

Closing by Sponsor: SEN. EMILY STONINGTON closed SB 10. SEN. STONINGTON stated it would be a good idea to have someone who oversees the administration of our legislature to also serve on the legislative council.

ADJOURNMENT

Adjournment: 11:45 A.M.

SEN. DON HARGROVE, Chairman

LYNETTE BROWN, Secretary

DH/LB

EXHIBIT (sts06aad)